

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants thank the Examiner for allowing claims 64-67 and 69.

Claim 52 is currently being amended without prejudice or disclaimer, in order to advance prosecution.

This amendment changes a claim in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 48-62 and 64-71 are now pending in this application.

Foreign Priority

Applicants respectfully request that the Office acknowledge the Applicants claim to foreign priority. A certified copy of the foreign priority application was received on March 29, 2006 by the Office as shown in PAIR.

Claim Objections

Claims 52-54 were objected to for informalities. The claims have been amended as appropriate. Reconsideration and withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 48, 56, 58, 68, and 70 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,584,218 to Cooklev (hereafter "Cooklev"). Applicants hereby submit that claims 48, 56, 58, 68, and 70 are allowable for at least the reasons that follow.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131. Section 103 amplifies the meaning of this anticipation standard by pointing out that anticipation requires that the claimed subject matter must be "*identically* disclosed or described" by the prior art reference. (Emphasis added.) Cooklev fails to satisfy the requirements of M.P.E.P. § 2131.

Claims 48 and 56 are directed to a gateway apparatus for encoding connection between a first communication network and a second communication network of respective different types. Claim 68 is directed to processing encoded data from at least one communication network out of a line-switched network and a packet-switched network to the other communication network in a gateway system conducting connection between said line-switched network and said packet-switched network of respective different types. Claim 70 is directed to a gateway apparatus connecting a packet-switched network and a line switched network. Specifically, claim 48 requires “***decision means for deciding on whether data from at least one of said first and second communication networks has been delayed in arrival or lost; and control means for performing control so that, if the result of said decision indicates that the data from at least one of said first and second communication networks has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to execute error concealment processing is generated or data acquired is discarded.***” Claims 56, 68, and 70 recite similar limitations to claim 48.

Support for the aforementioned limitations can at least be found in paragraphs 41-56 of the application as filed and Figures 1-3. According to one embodiment of the invention, a gateway apparatus compares the number of speech encoded data actually acquired per a preset period from a multiplexed data demultiplexing circuit with an expected value of the number of the speech encoded data. Based on the result of comparison, suitable decision processing is carried out and, based on the result of the decision, processing for generating encoded data or discarding the encoded data is carried out, thereby minimizing the deterioration of the signal quality at the destination terminal and making it possible to maintain short delay in speech communication. If a packet is delayed in arriving, due to delay fluctuations in the packet-switched network, a signal to the effect that packet data has failed to be acquired is output in a process of extracting encoded data from received packet data. Based on an output from the processing of extracting encoded data, a proper decision is given and, based on the result of the decision, the processing for generating encoded data or that for discarding the encoded data is carried out.

Cooklev does not disclose, teach, or suggest each and every element of independent claims 48, 56, 68, and 70. Cooklev is directed to a system and method for providing multimedia data streaming over a mixed network. See Cooklev, abstract. Cooklev does not

disclose “decision means for deciding on whether data from at least one of said first and second communication networks ***has been delayed in arrival or lost.***” The Office relies on column 9, lines 39-43 and Figure 5, element 704 of Cooklev to disclose the aforementioned limitation. See Office Action, p. 3. After a close reading and viewing it is clear that the Office’s reliance is misplaced. Column 9, lines 39-43 of Cooklev disclose a packet processor that extracts sequence numbers and detects whether packets have arrived in order and the presence of packet loss. See Cooklev, col. 9, lines 39-43. Cooklev fails, however, to disclose that the packet processor discloses whether packets have been delayed in arrival. Thus, Cooklev fails to disclose, teach, or suggest “decision means for deciding on whether data from at least one of said first and second communication networks ***has been delayed in arrival or lost.***”

Further, Cooklev fails to disclose control means for performing control so that, “if the result of said decision indicates that the data from at least one of said first and second communication networks ***has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to execute error concealment processing is generated or data acquired is discarded.***” The Office relies on column 9, lines 47-51 and Figure 5, element 710 of Cooklev to disclose the aforementioned limitation. See Office Action, p. 3-4. After a close reading and viewing it is clear that the Office’s reliance is again misplaced. Column 9, lines 47-51 disclose that if a lost packet is important, the missing packet reconstruction block or process tries to recover a lower-quality version of the lost data from other packets. See Cooklev, col. 9, lines 47-51. Cooklev further discloses that Figure 6 depicts the processing of a lower-quality version information of the missing data packet into a reconstructed lower-quality data packet where in the preferred embodiment, dithering signals are made available to a dither subtraction process. See Cooklev, col. 9, lines 51-59. Dithering assists in eliminating the signal-dependent error and reduces the signal-independent random error. See Cooklev, col. 9, lines 59-61. Thus, Cooklev discloses a missing packet reconstruction block or process, but fails to disclose that “if the result of said decision indicates that the data from at least one of said first and second communication networks ***has been delayed in arrival or lost, data for causing a destination terminal of transmission on the other communication network to execute error***

concealment processing is generated or data acquired is discarded.” Accordingly, Cooklev fails to disclose all of the limitations of claim 48.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, for the reasons set forth above, Cooklev does not disclose the invention in as complete detail as disclosed in independent claims 48, 56, 68, and 70. Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 48, 56, 68, and 70 be allowed. Further, claim 58 depends from independent claim 56 and should therefore be allowable for the reasons set forth above without regard to further patentable limitations cited therein.

Rejections under 35 U.S.C. § 103

Claims 49-55, 57, 59-62, and 71 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cooklev in view of U.S. Patent No. 6,973,024 to Joseph et al. (hereinafter “Joseph”).

Claims 49-51, 57, 59, and 71 depend or ultimately depend from independent claims 48, 56 or 70 and should therefore be allowable for the reasons set forth above without regard to further patentable limitations cited therein. Accordingly, Applicants request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejections of claims 49-51, 57, 59, and 71 for at least this reason.

Claim 52 is directed to a gateway apparatus for conducting connection between a first communication network and a second communication network of respective different types. Claim 60 is directed to processing encoded data by a gateway apparatus for conducting connection between a first communication network and a second communication network of respective different types. Claim 52 discloses, “*decision means for deciding on whether encoded data from at least one of said first and second communication networks has been delayed in arrival or lost; control means for performing control so that, if the result of said decision indicates that the encoded data from at least one of said first and second communication networks has been delayed in arrival or lost, data is generated by error concealment processing, or data acquired is discarded.*” Claim 60 recites similar limitations to those of claim 52 and the aforementioned limitations are similar to the limitations

previously discussed concerning claims 48, 56, 68, and 70. Thus, for at least the previously discussed reasons, Cooklev fails to disclose the aforementioned limitations of claims 52 and 60. Joseph fails to cure the deficiencies of Cooklev. Applicants respectfully submit that Joseph would not have rendered claims 52 and 60 obvious, to the ordinary artisan, to modify the system and/or device of Cooklev to include the aforementioned deficiencies. Accordingly, Applicants request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejections of claims 52 and 60.

Claims 53-55 and 61-62 depend or ultimately depend from independent claims 52 or 60 and should therefore be allowed for the reasons set forth above without regard to further patentable limitations cited therein. Accordingly, Applicants request reconsideration and withdrawal of the outstanding 35 U.S.C. § 103 rejections of claims 53-55 and 61-62 for at least this reason.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

12/10/2009

By



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